

REMARKS

The Examiner's Office Action dated April 25, 2006 has been received and carefully considered. Initially, Applicant notes that a response to the Examiner's previous Office Action dated December 5, 2005 was timely filed on February 6, 2006. Subsequently, after telephonic and e-mail communication with the Examiner it was agreed that Applicant's previous response of February 6, 2006 should be attached to Applicant's current response.

With respect to the Examiner's Office Action dated April 25, 2006 in combination with Applicant's response of February 6, 2006, Applicant has amended Claims 1-2, 4-6, 11, 18 and 27 and added new Claims 28-31. Claims 1, 4 and 18 are the independent claims. Claim 2 depends upon Claim 1. Claims 5, 11, new Claims 28-29 and 31 depend upon Claim 4 and Claim 6 depends upon Claim 5. Claims 19-21, 23, 25 and new Claim 30 depend upon Claim 18. Claim 22 depends upon Claim 21, while Claims 24 and new Claim 26 depend upon Claim 20. Claims 1-2, 4-6, 11, 18-31 remain pending.

1. The Examiner rejected Claims 1-3 under 35 U.S.C. §101 because the claims were allegedly not directed to statutory subject matter.

In response, Applicant has amended the preamble of Claim 1-2, 4-6, 11 and 27 to state: "An apparatus offering a diminishing returns bingo game" which is clearly statutory subject matter. Furthermore, in Claim 1, Applicant has stated the apparatus comprises in combination: "a random number generator and at least a screen to display at least one bingo card of a plurality of randomly generated bingo cards of the bingo game ...", while in Claim 4 the apparatus comprises, in combination "means for randomly generating a plurality of bingo cards and at least a screen to display at least one bingo card

...". The preambles of Claims 2, 5-6 and 27 have been amended to conform to the preamble of independent Claims 1 and 4.

Accordingly, Applicant submits that the Examiner's rejection of Claims 1-2 under 35 U.S.C. §101 have been overcome and respectfully requests withdrawal of the Examiner's rejection.

2. The Examiner rejected Claims 1-3 under 35 U.S.C. §112, second paragraph and rejected Claim 1 under 35 U.S.C. §112, sixth paragraph.

In view of Applicant's February 6, 2006 response as attached, Applicant respectfully submits the Examiner's rejection directed to Claims 1-3 is now moot.

Amended independent Claim 1 now more clearly describes Applicant's unique and non-obvious invention of an apparatus offering a diminishing returns bingo game resulting in a controllable disadvantage by an operator of the bingo game to a plurality of players, comprising in combination: "a random number generator and at least a screen to display at least one bingo card of a plurality of randomly generated bingo cards of the bingo game, each of the bingo cards comprising a plurality of bingo numbers wherein each one of the plurality of players pre-select at least one of the plurality of randomly generated bingo cards and each one of the plurality of players pre-select at least one of a plurality of player patterns comprising a quantity of bingo numbers of the at least one of a plurality of bingo cards pre-selected by each one of the plurality of players; and a plurality of randomly generated bingo numbers of the bingo game wherein, as each of the plurality of pre-selected player patterns is matched to a quantity of the plurality of randomly generated bingo numbers, each of the plurality of players realize at least one of a plurality of diminishing awards as the quantity of the plurality of randomly generated bingo numbers increases".

Dependent Claim 2 now clearly describes Applicant's unique and non-obvious features of the apparatus: "wherein the bingo game further comprising at least one of a plurality of payout tables predetermined by the operator of the bingo game".

Accordingly, Applicant submits that the Examiner's rejection of Claims 1-2 under 35 U.S.C. §112, second paragraph and the rejection of Claim 1 under 35 U.S.C. §112, sixth paragraph have been overcome. Applicant respectfully requests withdrawal of the Examiner's objections.

3. The Examiner objected to Claims 3, 7-17.

In response, in view of Applicant's response dated February 6, 2006 as attached, the Examiner's objection is moot.

4. The Examiner rejected Claims 1-15 and 18-24 as allegedly being anticipated under 35 U.S.C. §102 (b). The Examiner cites Frank et al., U.S. Patent 6,186,892 to support the Examiner's assertions. In particular, the Examiner alleges that Frank et al. '892 shows a gaming apparatus having a random number generator in a gaming machine which is allegedly capable of generating a plurality of bingo cards where a player is permitted to pre-select a player pattern. The random generator of Fig. 4 as cited by the Examiner is shown as a spinning wheel including a plurality of numbers and a plurality of BINGO letters associated with the numbers.

Applicant's response dated February 6, 2006 to the Examiner's assertions is attached. Applicant respectfully submits that Frank et al. '892 does not disclose a gaming machine as envisioned by Applicant, but instead uses a variety of broadcasting mediums to allow bingo players to participate in a bingo game to obtain results from a bingo game rather than being assembled in a specific location. At best according to Frank et al. '892 "stand alone video games programmed with the aforesaid prize structure enable

people to play bingo privately”. However, according to disclosure of the Frank et al. ‘892 bingo game with the aforesaid prize structure is a game where the bingo players have to fill out the bingo numbers on a blank bingo card prior to playing the bingo game, which clearly differs from Applicant’s randomly generated bingo cards which has randomly generated bingo numbers thereon and from which one or more players chooses their bingo cards prior to playing the bingo game. Frank et al. ‘892 does not teach generating a plurality of bingo cards comprising randomly generated bingo numbers to play a diminishing returns bingo game because Frank et al. ‘892 explicitly states that current bingo games are dishonest. Simply put, compared to Applicant’s unique and non-obvious diminishing returns bingo game, Frank et al. ‘892 has a different bingo game because Frank et al. ‘892 first requires that a player fill out a blank bingo card having no numbers thereon, then register the bingo card with an operator, followed by a process which randomly generates bingo numbers. Applicant instead randomly generates bingo cards having randomly generated bingo numbers thereon, followed by one or more players selecting at least one of the bingo cards having the pre-filled randomly generated bingo numbers, followed by a process of randomly generating bingo numbers to match to the bingo numbers of one or more players pre-selected bingo patterns for each bingo card selected by the one or more players. Applicant’s diminishing returns bingo game clearly is readily amenable to play on a gaming machine as uniquely disclosed and claimed by Applicant.

Accordingly, Applicant submits that the Examiner’s rejection of Claims 1-2, 4-5, 11 and 18-24 under 35 U.S.C. §102 (b) has been overcome and respectfully requests withdrawal of these rejections.

5. The Examiner rejected Claims 16, 17 and 25 as allegedly being obvious under 35 U.S.C. §103 (a) based on the combination of Frank et al. ‘892 and Loyd, U.S. Patent 4,332,389. The Examiner alleges it is merely a

matter of design choice to have the rate of balls called to be determined by the game operator.

Applicant's response of February 6, 2006 to the Examiner's allegations is attached herein. Specifically, according to Loyd '389 bingo number selection should occur at a fixed rate independent of the caller so that players can become accustomed to the rate of numbers called (Col. 1, lines 60-63). Applicant has a significantly different motivation and method as clearly defined in Applicant's specification "Further suspense may be generated by slowing the drawing rate for the randomly generated bingo numbers as the quantity of bingo numbers drawn is increased" (see p. 15, lines 15-17). Applicant specifically desires to increase suspense by decreasing the rate as the quantity of bingo numbers increases, which is completely opposite to the predictability arising from the rate being fixed as taught by Loyd '389.

Accordingly, Applicant submits that the Examiner's rejection of Claims 16, 17 and 25 under 35 U.S.C. §103 (a) has been overcome and respectfully requests withdrawal of this rejection.

6. Applicant has added new Claims 28-30 without the introduction of new matter.

New dependent Claim 28 recites Applicant's unique and non-obvious feature of the apparatus: "further comprising a network of at least one gaming machine wherein a central processor keeps track of payouts on said at least one gaming machine and adjusts payout tables based on an operator desired level of profitability". Full support for new Claim 28 is found on page 18, lines 9-12 of Applicant's original specification.

New dependent Claim 29 recites Applicant's unique and non-obvious feature of the apparatus: "wherein said network accumulates data on the level of profitability of each gaming machine". Full support for new Claim 29 is found on page 18, lines 13-14 of Applicant's original specification.

New dependent Claim 30 merely recites: "An apparatus configured according to the method of Claim 18". Full support for new Claim 30 is found in Applicant's Description of the Disclosure beginning on page 11 and ending on page 18.

New dependent Claim 31 merely recites: "The apparatus according to Claim 4 wherein the apparatus comprises at least one gaming machine". Full support for new Claim 31 is found in Applicant's Description of the Disclosure beginning on page 11 and ending on page 18.

Since Applicant previously had three independent claims and twenty-two dependent claims, and now has three independent claims and seventeen dependent claims no fees are due.

If somehow there are any fees incurred by this Amendment Letter, please notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "D. Landman". The signature is written in a cursive style with a horizontal line underneath the name.

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